

THE CHAIRMAN: Delegate Dorothy Murray.

DELEGATE D. MURRAY: A point of personal privilege, please.

Also in the balcony, we find with the teachers, the lovely two in the front from Anne Arundel County, some handsome gentlemen from Prince George's County Teachers Association:

Mr. Lloyd Hoover, President, Prince George's County Teachers Association.

Mr. Ferd Cardano, Past President.

Mr. James Braswell, President-Elect.

Mr. Dean Harpe, Legal Chairman.

And also, in the balcony to my rear, another fine young man, my son, Kim Scott Murray. Will you join me in welcoming them? (*Applause.*)

THE CHAIRMAN: Delegate Kahl.

DELEGATE KAHL: Mr. President, I would like to introduce to the Convention, Mr. Lucas Horn, President of the Local 239 Auto Workers, and Stanley Adamski, Joseph Millender, Fred Reynolds, Shannon Soles, Clark Robertson, and former Baltimore County Councilman, Joseph L. Schield. (*Applause.*)

THE CHAIRMAN: Are there any other amendments to section 4?

(*There was no response.*)

The Chair hears none. We will move on to section 5.

There is a Minority Report with respect to section 5. The Chair recognizes Delegate Child to present the Minority Report and requests him to come forward.

Delegate Child.

DELEGATE CHILD: Mr. Chairman, my minority report, goes to section B of section 5. I have no Minority Report on section A.

THE CHAIRMAN: Very well.

Are there any amendments to paragraph F of section 5?

Delegate Henderson.

DELEGATE HENDERSON: Amendment U.

THE CHAIRMAN: The Pages will please distribute amendment U.

This will be Amendment No. 9. —

The Clerk will read the amendment.

READING CLERK: Amendment No. 9 to Committee Recommendation R&P-1 by Delegate Henderson:

On page 3, section 5, Rights of Accused, strike out all of lines 11 and 12 and insert in lieu thereof the following words: "of not less than six upon a verdict of not less than five-sixths, as prescribed by law."

THE CHAIRMAN: The amendment is submitted by Delegate Henderson. Is there a second?

DELEGATE BENNETT: Seconded.

THE CHAIRMAN: The amendment is seconded by Delegate Bennett.

The Chair recognizes Delegate Henderson to speak to the Amendment.

DELEGATE HENDERSON: Mr. Chairman, fellow delegates, the point of this amendment is to permit the legislature to reduce the size of the jury from twelve to not less than six and to provide that a verdict of not less than five-sixth might be given in a given case, as prescribed by law. It leaves it to the legislature to decide, in other words, whether in all cases we should continue the traditional common law jury of twelve with the requirement that they reach a unanimous verdict.

Now I think about fifty years ago every constitutional convention in the country, including the federal one, called for a right to a jury trial in criminal and civil cases both. Of course, the federal provisions have never been held applicable to the states, but the states had similar provisions in their own constitutions.

It was held that when you used the word "jury", you meant the conventional jury, but in the last fifty years, and in the more recent years, twenty-nine states have amended their constitutions so as to leave to the legislature, either in criminal or civil cases, or both, the right to have a smaller number of jurors reach a verdict, and to have a smaller number of jurors compose the jury. That is particularly true in the misdemeanor cases in the criminal field and in the cases tried in the lower courts, that is, the lowest courts, in civil cases.

We have provided a new system here in Maryland with the four-tier structure, whereby the lowest court, the district court, should be set up on a full-time professional basis. I think it is highly desirable that that court be given the right to hear cases with the jury, but I think it is quite un-